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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 WILMAN GONZALEZ ROSARIO,
11 et al.,

12 Plaintiffs,

13 v.

14 UNITED STATES CITIZENSHIP
15 AND IMMIGRATION SERVICES,
16 et al.,

17 Defendants.

CASE NO. C15-0813JLR

MINUTE ORDER

18 The following minute order is made by the direction of the court, the Honorable
19 James L. Robart:

20 The court has scheduled oral argument on Plaintiffs' motion for class certification
21 (Dkt. # 82) and Defendants' partial motion to dismiss (Dkt. # 88) for Thursday, July 13,
22 2017, at 10:00 a.m. At the hearing, the court anticipates asking several questions of

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1 counsel before allowing brief oral argument. The court DIRECTS the parties to be
2 prepared to address the following topics:

- 3 • 90-Day Plaintiffs’ Administrative Procedure Act (“APA”) Claims
 - 4 ○ Under what specific sections of the APA do 90-Day Plaintiffs assert a
 - 5 claim?
 - 6 ○ Which, if any, of those claims are moot?
 - 7 ○ To what extent do the non-moot APA claims require final agency
 - 8 action, and what is the final agency action here?
- 9 • 90-Day Plaintiffs’ Mandamus Act Claim
 - 10 ○ Is 90-Day Plaintiffs’ Mandamus Act claim moot?
- 11 • In their response to Defendants’ partial motion to dismiss, Plaintiffs ask the
12 court, for the first time in this action, to “bar[] Defendants from denying
13 benefits to 90-Day Subclass members based on periods of unauthorized
14 employment, when Defendants’ proper issuance of interim employment
15 authorization would have permitted such employment.” (Dkt. # 91 at 2:3-7.)
 - 16 ○ Under what statute(s)—including the specific subsection(s)—is that
 - 17 relief available?
 - 18 ○ What legal authority supports the availability of that relief under that
 - 19 statute(s)?
- 20 • In their response brief to the class certification motion, Defendants
21 differentiate between the “mandatory nature of the timeline” and the
22 “mandatory nature of the overall duty.” (Dkt. # 86 at 11 n.2.)

- Explain this distinction and why the court’s prior order (Dkt. # 55 at 22-26) is best read in this manner.

- Appointing Class Counsel

○ Assuming that the court certifies the class in full or in part, on what basis should the court appoint as class counsel all 10 lawyers who are counsel of record in this action?

This list is not exhaustive, and the parties should be prepared to address all aspects of the pending motions.

Filed and entered this 10th day of July, 2017.

WILLIAM M. MCCOOL
Clerk of Court

s/ Ashleigh Drecktrah
Deputy Clerk